

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISRAEL ELIAS HOLMES,

Defendant.

4:17-CR-3123

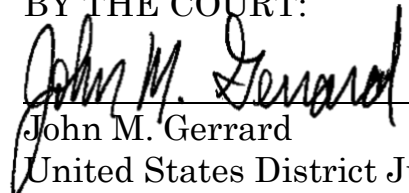
ORDER

The defendant has filed another motion to appoint counsel ([filing 196](#)), this time based on the Eighth Circuit's holding that conspiracy to commit Hobbs Act robbery is not a "crime of violence" for purposes of the Armed Career Criminal Act, 18 U.S.C. § 924(c)(1)(A). *Jones v. United States*, 39 F.4th 523 (8th Cir. 2022). But as explained in the Court's previous order, nothing about the defendant's conviction or sentence was based on whether or not his offense was a "crime of violence." [Filing 195](#). Accordingly, there is still no basis to appoint counsel. See *United States v. Harris*, 568 F.3d 666, 669 (8th Cir. 2009).

IT IS ORDERED that the defendant's motion to appoint counsel ([filing 196](#)) is denied.

Dated this 27th day of July, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge